



House of Representatives

File No. 888

General Assembly

January Session, 2011

(Reprint of File No. 657)

House Bill No. 6564
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
June 2, 2011

AN ACT CONCERNING SECURITY SERVICE OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-167c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) A person is guilty of assault of public safety, emergency medical
4 or public transit personnel when, with intent to prevent a reasonably
5 identifiable peace officer, special policeman appointed under section
6 29-18b, motor vehicle inspector designated under section 14-8 and
7 certified pursuant to section 7-294d, firefighter or employee of an
8 emergency medical service organization, as defined in section 53a-3,
9 emergency room physician or nurse, employee of the Department of
10 Correction, member or employee of the Board of Pardons and Paroles,
11 probation officer, employee of the Judicial Branch assigned to provide
12 pretrial secure detention and programming services to juveniles
13 accused of the commission of a delinquent act, employee of the
14 Department of Children and Families assigned to provide direct
15 services to children and youths in the care or custody of the
16 department, employee of a municipal police department assigned to

17 provide security at the police department's lockup and holding facility,
18 active individual member of a volunteer canine search and rescue
19 team, as defined in section 5-249, [or] public transit employee or
20 security officer licensed under section 29-161q from performing his or
21 her duties, and while such peace officer, special policeman, motor
22 vehicle inspector, firefighter, employee, physician, nurse, member,
23 probation officer, [or] active individual member or security officer is
24 acting in the performance of his or her duties, (1) such person causes
25 physical injury to such peace officer, special policeman, motor vehicle
26 inspector, firefighter, employee, physician, nurse, member, probation
27 officer, [or] active individual member or security officer, or (2) such
28 person throws or hurls, or causes to be thrown or hurled, any rock,
29 bottle, can or other article, object or missile of any kind capable of
30 causing physical harm, damage or injury, at such peace officer, special
31 policeman, motor vehicle inspector, firefighter, employee, physician,
32 nurse, member, probation officer, [or] active individual member or
33 security officer, or (3) such person uses or causes to be used any mace,
34 tear gas or any like or similar deleterious agent against such peace
35 officer, special policeman, motor vehicle inspector, firefighter,
36 employee, physician, nurse, member, probation officer, [or] active
37 individual member or security officer, or (4) such person throws or
38 hurls, or causes to be thrown or hurled, any paint, dye or other like or
39 similar staining, discoloring or coloring agent or any type of offensive
40 or noxious liquid, agent or substance at such peace officer, special
41 policeman, motor vehicle inspector, firefighter, employee, physician,
42 nurse, member, probation officer, [or] active individual member or
43 security officer, or (5) such person throws or hurls, or causes to be
44 thrown or hurled, any bodily fluid including, but not limited to, urine,
45 feces, blood or saliva at such peace officer, special policeman, motor
46 vehicle inspector, firefighter, employee, physician, nurse, member,
47 probation officer, [or] active individual member or security officer. For
48 the purposes of this section, "public transit employee" means a person
49 employed by the state, a political subdivision of the state, a transit
50 district formed under chapter 103a or a person with whom the
51 Commissioner of Transportation has contracted in accordance with

52 section 13b-34 to provide transportation services who operates a
 53 vehicle or vessel providing public rail service, ferry service or fixed
 54 route bus service or performs duties directly related to the operation of
 55 such vehicle or vessel.

56 (b) Assault of public safety, emergency medical or public transit
 57 personnel is a class C felony. If any person who is confined in an
 58 institution or facility of the Department of Correction is sentenced to a
 59 term of imprisonment for assault of an employee of the Department of
 60 Correction under this section, such term shall run consecutively to the
 61 term for which the person was serving at the time of the assault.

62 Sec. 2. Section 29-161j of the general statutes is repealed and the
 63 following is substituted in lieu thereof (*Effective October 1, 2011*):

64 (a) No member of the state, or any town, city or borough, police
 65 force or any other person vested with police powers shall be eligible
 66 for a license under the provisions of sections 29-161g to 29-161x,
 67 inclusive. If the applicant is a corporation, association or partnership,
 68 no person comprising the corporation, association or partnership may
 69 be such a member or person.

70 (b) Notwithstanding the provisions of subsection (a) of this section,
 71 any special conservation officer appointed by the Commissioner of
 72 Environmental Protection pursuant to section 26-5 shall be eligible for
 73 any such license.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	53a-167c
Sec. 2	October 1, 2011	29-161j

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Judicial Dept.	GF - Potential Revenue Gain	Less than 10,000	Less than 10,000
Correction, Dept.	GF - Potential Cost	Potential	Potential
Judicial Dpt (Probation)	GF - Potential Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes assault of a licensed security officer a class C felony, which would result in an annual net revenue gain of less than \$10,000 to the General Fund. The estimate assumes that the establishment of a fine and/or imprisonment for this offense will increase the likelihood that an estimated five offenders annually would be prosecuted and receive harsher penalties than under current law.¹

To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties than currently provided for, potential cost for incarceration and/or probation supervision in the community would result. On average, it costs the state \$3,785 to supervise an offender on probation in the community as compared to \$48,545 to incarcerate the offender.

House "A" makes a clarifying change regarding licenses for special conservation officers, and does not result in a fiscal impact.

¹ In 2010, four convictions were made for assault under this statute, with \$5,500 in fine revenue collected.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation. . The annualized ongoing probation and/or incarceration costs identified above would continue into the future subject to inflation.

*Sources: Core-CT Financial Accounting System
Judicial Department Offenses and Revenue Database*

OLR Bill Analysis**HB 6564 (as amended by House "A")******AN ACT CONCERNING ASSAULT OF LICENSED SECURITY OFFICERS.*****SUMMARY:**

This bill makes assault of a licensed security officer a class C felony (punishable by up to 10 years in prison, a fine of up to \$10,000, or both), the same penalty as for assault of public safety, emergency medical, and public transit personnel. A person commits this crime by assaulting a reasonably identifiable licensed security officer performing his or her duties, with intent to prevent the officer from performing them, by doing any of the following to the officer:

1. causing injury;
2. throwing objects capable of causing harm;
3. using tear gas, Mace, or a similar harmful agent;
4. throwing paint, dye, or any other offensive substance; or
5. throwing bodily fluid, such as feces, blood, or saliva.

Under other law, assaults are punishable, depending on the conduct, by penalties ranging from a class A misdemeanor (up to one year in prison, a fine of up to \$2,000, or both) to a class A felony (punishable by 10 to 25 years in prison, a fine of up to \$20,000, or both).

The bill also makes someone who is a special conservation officer eligible for a security officer license. Current law makes members of state and local police forces and anyone with police powers ineligible for such a license.

By law, the public safety commissioner licenses security officers who must be at least age 18, complete at least eight hours of training, and pass a criminal background check. Certain criminal offenses exclude an applicant from receiving a license.

*House Amendment "A" adds the provision on special conservation officers.

EFFECTIVE DATE: October 1, 2011

BACKGROUND

Special Conservation Officers

The Department of Environmental Protection (DEP) commissioner may supplement the state's regular conservation officer force by appointing DEP employees as special conservation officers. As with conservation officers, special conservation officers (1) must complete a police training course at the state police training school or an equivalent course approved by the public safety commissioner and (2) have law enforcement powers and can make arrests for violations of certain environmental laws including those pertaining to boating, fisheries, parks, and forests and wildlife. Special conservation officers are entitled to the same benefits and reimbursement as regular conservation officers (CGS §§ 26-5 and -6).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 45 Nay 0 (04/15/2011)